

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
JANUARY 21, 2009**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, January 21, 2009, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Council members:	
John Schroeder	Present
David Prechtel	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. All of the council members were in attendance; therefore, there was a quorum for the meeting.

Pledge. Mayor Schmitt then invited those present to join him in reciting the Pledge of Allegiance.

Approval of the Minutes:

The following minutes were distributed to and examined by the Council:

1. December 17, 2008 regular Common Council meeting
2. December 17, 2008 6:50 p.m. public hearing to vacate a PUDE

A **motion** was made by Council member Thomas Schmidt and seconded by Council member Ambrose 'Butch' Schitter to approve both sets of minutes as published. Motion carried 7-0.

Utility Service Board. General Manager of Utilities Gerald 'Bud' Hauersperger gave a report on the regular monthly Utility Service Board meeting held on January 19, 2009. Copies of the minutes are supplied to each council member.

Uniform Conflict of Interest Disclosure Statements. Mayor Schmitt presented a Conflict of Interest Disclosure Statement submitted by Jerald Schitter, Electric Distribution Manager. Schitter is a member of the Board of Commissioners of the Indiana Municipal Power Agency that sets the rates for the power that the City of Jasper purchases each month.

Schmitt also presented a Conflict of Interest Disclosure Statement submitted by Don K. Weisheit a member of the Jasper Community Arts Commission. Weisheit is an officer and an employee

of Herald Printing, Inc, which provides commercially printed products and services to various city departments.

A **motion** was made by Council member Ambrose 'Butch' Schitter and seconded by Council member David Prechtel to accept the Conflict of Interest Disclosure Statements submitted by Jerald Schitter and Don Weisheit. Motion carried 7-0.

President Pro Tempore. Mayor Schmitt said the Council needs to choose from its members a president pro tempore to preside at a meeting whenever he is absent.

Thereafter, a **motion** was made by Council member Ambrose 'Butch' Schitter and seconded by Council member John Schroeder to appoint Council member Thomas Schmidt to the position of president pro tempore. Motion carried 7-0.

Encumbrances. Clerk-Treasurer Juanita Boehm explained the procedure for carrying certain 2008 appropriations forward to 2009. Boehm asked the Council to accept the list of encumbrances that was previously distributed to them.

A **motion** was made by Council member Kevin Manley and seconded by Council member Randy Buchta to accept the list of encumbrances from 2008 and carry forward to 2009. Motion carried 7-0.

[Note: the list of encumbrances is attached to these minutes]

Dubois County Humane Society request. Council member Kevin Manley stated that he was asked by Betty Fendel with the Dubois County Humane Society to distribute a letter from the Society dated January 12, 2009. The letter asks the Council to pass an ordinance requiring that animals be provided with adequate food, water, shelter and medical care. The Indiana code only defines neglect as "failing to provide the animal with food or drink if the animal is dependent upon the person for the provision of food or drink."

City Attorney Sandra Hemmerlein said the City's animal ordinance addresses such things as running at large, feces, and kennels.

Mayor Schmitt said he does not have a problem adding shelter to our ordinance but he does have a problem with adding medical care. What we think and what the humane society thinks is proper medical care is probably different. Council member Ambrose 'Butch' Schitter said he is okay with adding shelter to the ordinance but adding medical care could open a 'can of worms'.

Council member Thomas Schmidt asked where dogs are taken when they are picked up. Police Chief Douglas Tarvin said an officer takes the animal to the street department. The street department advertises in the newspaper and tries to find homes for the animals or the street department employees take it upon themselves to find homes for them. Mayor Schmitt said there is a temporary holding pen at the street department. Street Commissioner Raymie Eckerle said the holding pen is not a kennel, they have room for three dogs that are kept for three days while trying to find a home for them. A log is kept and the owner is usually found or someone else takes the dogs.

A **motion** was made by Council member Kevin Manley and seconded by Council member Ambrose 'Butch' Schitter to direct the city attorney to amend the animal ordinance to include shelter.

Under discussion it was the consensus of the Council to leave out medical care because an officer may be able to tell an animal is undernourished but it may be difficult for them to determine if an animal needs medical care. The council also agreed that food and drink is addressed in the state law and we should not put it in our ordinance.

Police Chief Douglas Tarvin asked if we want to research or look at adding language to our ordinance about vicious animals. City Attorney Hemmerlein said this issue has been discussed several times and she has some sample ordinances. Council member Ray Howard said he thinks we should research this matter.

Mayor Schmitt then called for the vote. The motion carried 7-0.

Police Department Radio System Update. Police Chief Douglas Tarvin gave an update on the status of purchasing an 800 megahertz radio system. He and Chief Telecommunicator Gerald Gagne worked on the bid specifications. A private consultant who is knowledgeable in that area reviewed the specifications so it would be fair for companies to bid on the system.

Approximately \$66,000.00 was received locally for 800mgh radios that were divided among all emergency units in the county. Tarvin further stated that in December, \$850,000.00 was granted by Homeland Security to District 10 that covers part of southwest Indiana. Vanderburgh County received \$80,000.00 off the top and the rest is to be divided among twelve counties. They put together a plan on how to divide up the balance of the money. He asked for \$10,380.00 to replace the generator at the water tower that is 25-30 years old and is trying to obtain funding for the dispatch equipment.

Ordinance No. 2008-34 AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE CUSTOMERS OF THE JASPER MUNICIPAL ELECTRIC UTILITY

This ordinance amends the electric utility schedule of rates and charges effective for those electric billings due March 1, 2009. The ordinance was passed on first reading on December 17, 2008.

2nd Reading. A motion was made by Council member Ambrose ‘Butch’ Schitter and seconded by Council member Randy Buchta to read the ordinance by title only on the second reading. The motion carried 7-0. The ordinance was so read. Thereafter, a motion was made by Council member Ray Howard and seconded by Council member David Prechtel to approve the ordinance on the second reading.

Under discussion, City Attorney Sandra Hemmerlein stated that the Utility Service Board proposed a rate increase for its electric customers. They also added a \$60,000.00 credit into the power and energy adjustment factor for the calendar year to try and lessen the impact of the increased rates driven by IMPA. Also, the rural customer classes were removed from the ordinance.

Mayor Schmitt stated that at the last meeting he mentioned he would like to see where the out-of-city customers are located and because there is a difference between the outside-the-City rate

and the inside-the-City rate we may want to keep the rural rates as an incentive to annex. Schmitt said he since learned that giving an incentive to annex is not legal justification for charging a different rate to rural customers and since there are only eight or nine rural customers they do not demonstrate the cost factors that allow charging different rates.

Schmitt also said the rates Dubois REC charges are comparable to the City's rates. He gave the following example based on 1,000 kilowatts used by an average household:

\$104.31 REC

92.97 Inside City using new rate ordinance

114.85 Outside City

Schmitt asked the Council if we should combine the outside the city rates with the city rates or keep the outside the city rates.

Council member Ambrose 'Butch' Schitter stated we may save money with the billing if we eliminate the outside the city rates for eight or nine customers.

Council member Ray Howard said he does not think it is worth separating the rates for eight or nine customers.

Mayor Schmitt then called for the vote to pass the ordinance as is on seconding reading. Motion carried 7-0.

City Attorney Sandra Hemmerlein said a public hearing on the ordinance will be held before next month's meeting at 6:45 p.m.

Firefighters' retirement plan. Mayor Schmitt stated that work is continuing with the proposed retirement plan for the volunteer firefighters. We are currently waiting for a ruling from the IRS.

Boy Scouts. Carson Kaiser from Holy Family's Troop #185 was present and said he is working on his Community merit badge.

JCAC. JCAC President Michael Jones informed the Board of some good news that many artists have reduced their prices because of the economy, but the bad news is that tickets sales are down, but this is a wash. Jones further stated that the State of Indiana along with other states has had huge budget cuts on the Arts. He said he is 'thankful' for the Visionary Council for their help. Today there is a tentative schedule for next year that is being worked on.

Mayor Schmitt informed everyone that on January 26, 2009 at 12:00 p.m. in the Council Chambers there will be a performance by a group called An Da Union.

Adjournment. There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member David Prechtel to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 7:58 p.m.

The minutes were hereby approved _____ with X without corrections or

clarification this 18th day of February, 2009.

Mayor William J. Schmitt
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Margaret A. Kress, Recording Secretary